

**CASH TERMS FOR ADVERTISEMENTS.**  
For one inch and under, 3s.; and 1s. for every additional inch for each insertion.

stable, well finished and painted inside; it is at present occupied by the owner, Mr. M'Neel as a butcher's shop, and doing a good business. For particulars apply to Mr. M'Neel, on the premises.







"The do-  
 allegation  
 by a  
 on which  
 l. They  
 proposi-  
 ag-  
 a public  
 idently of  
 for the  
 man of  
 al  
 committee  
 ment, the  
 he held  
 the duties  
 of being  
 ably by  
 appears to  
 normat-  
 have been  
 action  
 most in-  
 eral habits  
 appear to  
 disingled  
 by the  
 the  
 murex-  
 the walls  
 by order  
 within its  
 been the  
 of things.  
 him, it  
 only by  
 them;  
 as ex-  
 as money  
 other-  
 absent  
 from their  
 when he  
 locked  
 Sabbath  
 el, and  
 one time,  
 he was  
 source of  
 rest, not  
 ing a sys-  
 so great  
 of the  
 it was, is  
 evidence  
 mination.  
 Willie,  
 son of  
 for his  
 our Com-  
 - may  
 the  
 at of the  
 is it the  
 the secre-  
 timonia  
 agent on  
 stance of  
 add the  
 he under  
 him, it  
 to take  
 ailments  
 turned to  
 Others  
 were  
 breaking  
 rities, by  
 afforded  
 them-  
 selves  
 to the  
 the man-  
 enabled to  
 in various  
 ations  
 problems  
 ating the  
 ment. The  
 to have  
 of the  
 ible, the  
 can in-  
 ervation;  
 to truth  
 the  
 their out-  
 character.  
 o of the  
 ire with  
 of the  
 a state of  
 named  
 each's ad-  
 ditional  
 results to  
 the de-  
 whole  
 he upon  
 to them  
 their  
 party at  
 Thomas,  
 by to be  
 the  
 is not  
 oved by  
 confirmed  
 drunk or  
 he to be  
 in one night  
 aged, he  
 together,  
 of some  
 k. Idoms  
 ought  
 and in-  
 duct, to  
 of con-  
 magin-  
 g with  
 such  
 to light.  
 be their  
 has Cap-  
 tain of  
 oparty of  
 ous wit-  
 cause of  
 the law  
 the  
 of facts  
 a cogni-  
 tions, he  
 fender;  
 al  
 utterly  
 al disci-  
 pline  
 given  
 exami-  
 were was,  
 the  
 principal  
 the goal  
 the du-  
 trol was  
 of a  
 a great  
 could not  
 that Mr.  
 h other  
 unless  
 to the  
 alterna-  
 tively  
 ought to  
 will of  
 one of the  
 of the  
 second  
 certain  
 tion  
 and ex-  
 antialso-  
 of your  
 nerally,  
 cognom-  
 Captain  
 see me  
 that his  
 nately  
 plying  
 ting the  
 terested  
 ated in  
 during  
 which  
 no opin-

of your Committee, and be obliged to them. His Majesty's principal treasury in fishing galleys, and his authorising the gaoler to send with him, to complete the boats' crews, prisoners who were sentenced by the Courts of the colony to punishment in the gaoles, and who were placed by the gaoles in the custody of the Sheriff, together with his employment of the turnkeys of the gaoles, with prisoners taken upon him from the gaoles and the iron galleys, upon his private contract, and his garden, and his other business, can admit of no justification. A notorious and unwarranted outrage upon the criminal jurisprudence of the country was his taking out of an ironed gang the prisoner George Cook, (see p. 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970,

The above case was brought before your Committee, he punished by an adequate mark. Your Committee has been informed that the office of Visiting Justice be merely salaried, and he be simply deprived of the salary attached to it. His conduct with reference to his going, as well as the gaol, proved him to be unworthy of the position of one of trust under Government; and your Committee feel that they should not be properly performing the duty which devolves upon them, if they shrink from stating their opinion.

The labours of your Committee have been protracted to so late a period of the Session that they are desirous to present their Report without further delay, even at the risk of omitting some of the more important portions of the task committed to them might seem to require. They cannot, however bring it to a close without remarking, though brief, upon the evil effect, morally and socially, of the present system of punishment designed by the punishment of criminals, viz., of the deterring of others from the commission of crime, and the reformation of the actual offender must have been completely frustrated. Nor can such a total want of discipline have prevailed and irregularities of so serious a character have been permitted, any provision for the moral and religious instruction of the criminals can be made what ought to be, as the metropolitan prison, the model gaol of the colony, great changes must be effected in its condition. And your Committee would urge your Honorable Council to urge upon the Executive Government the immediate adoption of measures necessary to rectify those corrupt and demoralising practices which it has been their painful duty to expose.

**CHARLES COWPEL,**  
Chairman,  
Legislative Council Chambers.  
Sydney, 22nd August, 1849.

**LAW INTELLIGENCE.**

**SUPREME COURT.—THURSDAY.**  
**In Equity.**

His Honor the Primary Judge sat for a few minutes to day.

MAURICE B. TURNER AND OTHERS.

Mr. DONNELLY said, this was the common form of suit, and the defendants not having appeared, judgment was given according to the Decree accordingly.

In Chambers.

DOUGLAS — v. ROSS.

The following case was argued in the above case; it is published, not only because it affects the above case, but it will affect all actions of ejectment. The order is as follows—"It is ordered that hereafter, in ejectment, declaration against the nation shall be signed by the plaintiffs who have entered into the common consent rule, shall be filed after service of the declaration against Ross, and before he can be compelled to plead."

The Equity Court was adjourned until to day.

**CENTRAL CRIMINAL COURT.**  
**Thursday.**

Before His Honor Sir ALFRED STERREN, C.J. LAURENCE.

Joseph Anthony, a native of Barbadoes, was indicted for stealing a leg of mutton, &c. at Grafton, in April last.

It appeared that the leg of mutton was found in the possession of the prisoner, who stated when questioned, that he had obtained it from a butcher's boy, whom he pointed out. The latter, however, did not admit the charge, and the prisoner who committed the prisoner.

His Honor, in addressing the Jury, mentioned a case in which it had been decided that "the principle governing the jury, in cases reasonable of the manner in which they had been possessed of any property, the duty was cast upon the Crown of disproving such account." His Honor was therefore of opinion that the defendant was bound to prove that he examined the person alleged to be the owner of the prisoner or the Crown might have had the benefit of his evidence.

The Jury acquitted the prisoner.

The defence afterwards put out a case in which a decision had been pronounced, similar to that pronounced in the case referred to by his Honor.

The above prisoner was taken in Gaol every day, and on April last, having been unable to procure bail since the last Court of Gaol delivery, when the Judges directed that bail should be allowed. Ever since he had been convicted, therefore, the prisoner could not be released, except as the Attorney-General remarked in his opening speech, have been sufficient for his offence.

Sir ALFRED STERREN said that this paltry case must have cost the Crown £40; but the Attorney-General said that it had cost much less than that, as the Crown only paid the passage of the witnesses by the steamer.

The prisoner was discharged.

JANE FINNELLY vs. THE PEOPLE.

Jane Finnelly said she was charged with the wilful murder of her own male born child, at Richmond, near Windsor.

In opening the case, the ATTORNEY-GENERAL said—The first question to be asked is whether you must be satisfied that the child was born alive, or not? Usually, I think,—before they could find a verdict of guilty. If they were satisfied of that fact, that the child had been born alive, then there would be no difficulty in proving the guilt of the woman at the bar.

The prisoner was defended by Mr. Broadhurst and Mr. Holroyd; Mr. R. Johnson having been assigned by the Judge as attorney.

The defence opened by saying that, at Richmond, the mistress of the prisoner was the first witness. The prisoner had been several months in witness' service; on Sunday May 26th, she was at church, and on the following day, Monday, the 27th, she got up very early in the morning she got up unusually early, and when witness went down stairs, she found her complaining of being ill; witness gave her medicine and sent her to bed. Some time afterwards I took her up again, and found her dressed, but disorderly, and she tried to prevent my entrance; I forced the door, and the appearances were such as to convince me she had been delivered of a child; she denied it, and I told her that she had delivered of a misfortune; there was no child, and no one would ever see it; I looked into and under the bed, but saw no child; prisoner told me she had seen out all night; that the child was born before five o'clock, on the 26th, and it lay in a paddock behind the parsonage; I told her I would send to her mother and sister, and she again begged that I would not expose her, and I told her that I would go against her two days; and that her character would be ruined; I told her that her child was born ten weeks too soon, that she was not sensible at the time; it was born, and that when she came to herself she would know it; I then called a witness, we searched amongst the rubbish in the paddock, but found nothing; between twelve and one o'clock my landress, Sarah Davison, and the prisoner's sister, came, and they told me that the child was born at five o'clock; at three o'clock the mother of prisoner came; I went with her and Davison and the sister into her bedroom; the mother was going to look into prisoner's box, when the child pressed itself upon her; the prisoner's box being open; the mother was very violent, and I told her to leave the room; Davison searched the box, but said there was nothing; the child pressed itself upon her; the prisoner said "for God's sake don't show it to me!" we took the bundle out into another room, and sent for the doctor; the bundle containing which excited her in the same way as an out-house; Dr. Whittaker came about seven in the evening.

Cross-examined by Mr. BROADHURST: Prisoner told me she was twenty-two years of age, and married.

Evidence: I am a married woman, and a half sister of the prisoner; she corroborated most of the evidence of last witness; I saw the shape of the child, and I saw my sister's (the child press itself upon her) stretch on the window; Mr. Eider asked me for them; there was a black ribbon tied to them; did not see the child after the doctor came.

**Cross-examined by Mr. HOLMES:** When was the prisoner the appeared a little light-headed.

**Rev. John Elder:** Between three and four o'clock in the afternoon of May 28th, I saw the bundle, which appeared to contain a child, and I saw the doctor come into the room and take the key; I would not allow any person to touch the bundle until the doctor came, about six o'clock, when it was opened, and I saw a dead male infant; witness described the appearance of the child, and I saw the doctor look at each angle, and there were wounds in the abdomen; there was also blood at the base of the head; gave the body to the constable.

**Sarah Davidson** was called, whose evidence was the same in substance as that previously given.

**Cross-examined by Mr. BROADBENT:** I was the prisoner who told Mr. Elder when the body was, and I, by Mr. Elder's direction took the bundle to the doctor's house.

**Mr. Whittaker:** Is a member of the Royal College of Surgeons, London; remembers going to the Rev. Mr. Elder's about six in the evening of May 28th, to see the prisoner at a house in the neighbourhood of the Commercial-rough-house; I opened a bundle and found the body of a male child; the body was well formed; there was hair on the head; the nails on fingers and toes were remarkably well developed; the head was covered with hair; there were several wounds about the body; one on each side the mouth, an inch long, and the other an inch and a quarter long—dividing the cheek. The tongue had been divided; there was a wound on the neck, and the wound was in the neck which touched the jugular vein; pointed a pair of scissors would cause a wound in the neck which would be fatal; the interference of a pea; there were two other wounds in the stomach; one in extent about three inches, and the other, about the navel, two inches; the upper wound was in the middle part of the liver, and the other was a large cut; from all the appearances should judge that the child was born alive; I held a post mortem examination of the child, and I found the intestines in the lungs; I placed them in water, and I tested on the surface; this is a test very much relied upon; I then pressed them to the bottom of the vessel, and they immediately rose to the surface.

**By the Judge:** I consider, in ordinary cases, this is a fair test.

**Examination continued:** Froth and blood came from the nose when the stomach was opened; this is another test of the lungs having been inflamed; there were three reasons which induced him to believe that the child was born alive. I have no doubt but that the child was born alive; the back part of the thorax was covered with blood, and seemed as though the heart had been forced out; and in other respects the brain was healthy; I believe death resulted from the concussion of the brain, and from the several wounds which have been described, the travel string had not been cut; the lungs were inflamed, and the wounds would cause death; the costal artery was exposed, but not injured.

**Cross-examined by Mr. HOLMES:** The conclusion is, the heart was not forced out, and independent of the other injuries, the child might have dropped upon the floor; the spit in the tongue appeared to have been made by a pair of scissors; do not think it probable that the cut upon the sides of the mouth were made at the same time; a scientific medical man differ as to the tests of which I have spoken.

**Re-examined:** The concussion was caused by a violent blow; I adhere to my opinion, that the death was caused by the whole of the cause of death, and not by any one of them.

**THE ATTORNEY-GENERAL** at this stage said that upon the evidence of the surgeon who could not swear as to what particular cause of death was occasioned, but only swore as to the general result, he saw he must abandon the capital charge.

**Mr. BROADBENT** said the prisoner was entitled to an acquittal.

**THE JUDGE:** On what ground?

**Mr. BROADBENT:** On the ground of concealment.

**THE CHIEF JUSTICE** took a different view but would reserve the point.

**Mr. BROADBENT** now addressed the Jury, and said that he had no objection to the Attorney-General having mercifully withdrawn the capital charge. He then contended that the concealment of a birth was only a misdemeanor, and though the evidence, so far as it went, was sufficient to establish the charge, the unfortunate woman might be believed when she said that the child was born two weeks sooner than she expected. The learned counsel dwelt with great force upon the circumstances of the case, and the contradictions which appeared in her statements to her mistress, arguing that there was no room to infer guilt of concealment with any view excepting that of trying to escape punishment. He then cited several cases favourable to the prisoner. Could the Jury say that there was a disposal of the body; or was it only a putting it aside for a season, until a favourable opportunity occurred for its disposal? He then cited the burying of the body; then there was no proof of pregnancy—no evidence to show that she had ever been charged with being in that state. He confidently trusted the verdict of acquittal would be returned.

**John Duffy** had known the prisoner eight and a-half years. Her character during the time was very good; she was a well-conducted girl. A Mr. Davies bore testimony to the respectability of the girl's character. Mr. Davies was a married man, and she was his daughter. She was always a well-conducted girl.

**THE ATTORNEY-GENERAL** said, the case quoted by Mr. Broadbent, had been overruled; and then briefly addressed the Jury of the case, and said that which he thought had been clearly made out.

**THE CHIEF JUSTICE** summed up with great care, putting the evidence on the minor charge to the Jury. He said the opinion of the majority of the Court was, that the prisoner's attempt at putting aside a body was a guilty concealment; he was sure the cases which had been cited had been overruled. The duty of the Jury would be to acquit the prisoner of murder, but to decide whether she had been guilty of concealment.

**The Jury** were absent about a quarter of an hour. Verdict—not guilty of murder; but guilty of endeavouring to conceal the birth.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

**THE CHIEF JUSTICE** then, in a very lenient and lenient manner, prayed the sentence of the Court.

**Before proceeding to pass sentence,** the Chief Justice said he wished to return his thanks to Mr. Broadbent, Mr. Holmes, and Mr. Johnson for their understanding the defence of the prisoner.

**His Honor** then addressed the prisoner in a most solemn manner. To the longest day of her life he hoped she would feel thankful to God, and to the Court, for the capital charge of murder. For himself, he could not receive but that she did solicit the frightful, the dreadful wounds upon the body of her own child. The sentence of the Court was, that she should be confined to hard labour for the period of two years.

**RE-EXAMINATION.**

**Henry Baines** was charged with the embezzlement and stealing of moneys from his master, James Baines, a publican, at 10, George-street, Sydney. It appeared that GEORGE BAINES the prisoner a check on the Commercial Bank for £5. He was to present the check on a Friday with the proceeds, but he did not come, and the check was not cashed. He was apprehended and committed for trial. Verdict, guilty. Sentenced to three years' hard labour on the roads of the colony.

<

The Court adjourned till ten o'clock this morning.

Before His Honor Mr. Justice DICKINSON.  
ARMAULT ON A CHARGE.

James Martin was indicted for having, at the M'Leay River, on the 16th of April last, unlawfully killed one Emma Ward, a child six years of age.

The evidence of the girl was *prima facie* conclusive; but she admitted on cross examination that her mother had instructed her when to say "yes," and that she did so, although also some other contradictions in the testimony of the girl and her mother, although there was a partial confirmation of the child's story by the testimony of the medical witness.

The prisoner pleaded not guilty, and the charge had been got up for the purpose of extorting money. He also proved by the cross-examination of the medical witness that his previous charges had been good.

His Honour Judge summed up, the Jury retired for about three quarters of an hour, at the end of which period they returned a verdict of not guilty. The prisoner was then discharged.

BREACH OF THE ELECTORAL ACT.

James Dale was arraigned, for having at the recent election of the County of Cumberland committed a breach of the Electoral Act, by returning a false answer to one of the questions put to him by the Returning Officer, namely—the question as to whether he was then in possession of the property, for right where his name appeared in the Electoral list. He pleaded not guilty, he was discharged upon bail, and will appear again to be tried, and appear and take his trial on Saturday next.

MURDER.

Owen Molloy was indicted for the wilful murder of John Leonard, at Canoe Creek, on the 17th day of June last.

The particulars of this case having so recently been published at length in our columns, it is unnecessary now to more than briefly enumerate the circumstances, as given by the Victim-General in his opening address to the jury.

The deceased, John Leonard, was a shepherd in the employ of Mr. James G. Hewer; in the month of June last the deceased and his master were travelling from the Gendamine to Brisbane, and on the way they arrived at Cooper's Plains, halted at a place called Cooper's Plains, about seven miles before they came to Brisbane, and according to a practice common in the country they camped in the scrub some articles belonging to them being deposited in the township—Leonard planting a bundle containing various apparel, some tea, sugar, salt, &c., and Mr. Hewer his tomahawk, bags and a tomahawk. Mr. Hewer then rode off to the station, leaving Leonard alone in the foot; in the afternoon of that day, Mr. Hewer saw Leonard and the prisoner together in the township, and early on the following day (Saturday) he saw them in company, and having seen them together, he went to see their presence and hearing of the prisoner, about two checks, held by the deceased, for wages due to him, one for £18 10s., and the other for £22 9s., drawn by Mr. Hewer on a Sydney bank, and the prisoner, who was known to him, and the prisoner) were seen both in North and South Brisbane together, the prisoner endeavouring to get a check cashed, purporting to be signed "The Honorable—Hope," for £5 10s.; but the cashier refused to do so, as no one would sign his name to a check; in one house (Mr. Wilson's) Leonard got the smaller check cashed, Mr. Leonard giving him two pound notes, three sovereigns, on behalf of the deceased, and the prisoner for £4 10s., which he was to call and receive in the evening, s. e., £10 15s. for the check. Leonard was desirous of getting cash for the other check (£22 9s.) on the same terms, but could not obtain it, and he was, however, to send it to Sydney for him, in order to presentation, to hand over the proceeds of the return of the steamer; to this Leonard assented, and Mr. Wilson gave him an address, and told him to go to the steamer the next morning (Sunday, the 17th June). The prisoner and Leonard were seen together at several o'clock taking the road to Cooper's Plains. Leonard wearing a thick coat and muleskin boots, and carrying a bag, and the prisoner on horse back, the prisoner wearing a brown holford coat, and carrying a bundle; this was the last time the two parties were seen together; about two o'clock that afternoon the prisoner made the acquaintance of a bushman named Troy, and asked for a drink, having with him a tomahawk, which he said he had carried from Wide Bay (said by the witnesses to be from 150 to 200 miles from Brisbane), but would not give it, and left it there; between three and four o'clock in the afternoon, he went into the house at Brisbane, but did not make the acquaintance of anyone there, and seen at seven in the morning on the reception of Cooper's Plains with Leonard; Leonard's dog was then with him, and in reply to enquiries about the man who was with him in the morning, he said he went with him as far as Cooper's Plains, and that he was riding on horse back, which he had lost, which he had gone on with to the Springs; that the prisoner was going by the steamer to meet him at Ipswich; but he did not follow his master, but came back to Brisbane, and he was having been lodging at this house, it was known that he had no money, but now he said he had plenty of money, treated all hands to grog, and gave away five or six shillings, and some sovereigns, some silver, and some pieces of paper, which were taken to be bank notes; he asked a female servant in the house to mend a thick coat for him, and she told him to take the coat to the mill; he wondered at seeing Leonard's dog with him, and he related the story about the dog, and said that Leonard gave him the pocket book, and he took from his pocket the piece of paper which he had bought (Laffan says the reason of Leonard, and some papers rolled up in a piece of stick, as Leonard carried his checks and orders—nothing was said about these, but they excited suspicion; the next morning he was taken to the mill, and he was robbed Leonard; and half a sovereign was found three sovereigns and a half sovereign (which he endeavoured to swallow, but was prevented) two £1 notes, some silver, Mr. Wilson's I.O.U., and some papers, and he was asked if he carried a check; he was taken before Mr. Wickham, the police magistrate, but he did not consider there was any evidence to warrant his detention; on his discharge he went to the mill, and he was taken to the Springs with some sheep, that he (Leonard) had sent him (prisoner) to get the I.O.U. cashed, and to take some spirits to the mill; he said he was with them at Limestone until twelve o'clock, and that he started first by the steamer; the I.O.U. was paid, some spirits purchased, and prisoner was taken to Monday afternoon on board the steamer for Brisbane, and he was having been received by Leonard, on Tuesday, the 18th June, Tucker went out to Cooper's Plains to see if the "planted" property had been removed when it was found that Leonard's things and the prisoner's things had been removed, and the saddle-bags remained where he left them. Leonard's dog was there, and he was followed to Canoe Creek, about a mile and half distant, but as dusk came on they then returned; the next day Mr. Hewer and two constables and two aboriginal blacks, again went on, when Leonard's dog again led them across Canoe Creek; the constables found some salts spilled on the banks of the creek, and some papers scattered about, and a bundle had belonged to Leonard; and after a little while, buried under the log, they found the dead body of Leonard, dressed as when he was in the mill; Mr. Hewer, in a serge shirt and muleskin trousers, and about twenty yards from the body was a collection of sticks, as if prepared for a fire, and the grass was crushed as if the body had been dragged from there to the place where it was found. The body was conveyed from thence into Brisbane, where an inquest was held thereon.

MR. P. W. MALLON, Surgeon, examined the body at the hospital; he found a quantity of blood on the neck, and a small wound on the chest, and the abdomen; a wound of an inch and a half in circumference on the right check bone, and a similar wound over the right temple, laying bare the frontal bone; an extrusion of blood from the ear, and a fracture of the ear from ear to ear; and a cut below the navel of

four inches in length, through which the eutria protruded; either the fracture of the skull or the cut in the breast, was alone sufficient to cause death. It is difficult to see how it could appear on the trial—and it seems rather strange omission, where or when the prisoner was taken a second time en custody. It might have been on the afternoon after obtaining his release, &c., as the constable deposed to the seeing him on board the steamer, but it did not come in evidence.

The Attorney-General having addressed the jury on behalf of the prisoner, pointing out what he deemed the weak points of the evidence, and submitting to their consideration whether the settings of the prisoner were such as might lead to a conviction, the counsel who had protracted such an offence—retaining at once the place where they had been seen together showing money to those who were well aware that on the previous day he did not possess a penny—were there he could by no possibility escape detection. He thought the conduct of the prisoner throughout was total irreconcilable with the commission of the offence with which he stands charged, although the Attorney-General made a strong presumption of guilt according to the facts stated.

HIS HONOR having very lucidly placed the case before the jury, and read his notes of the evidence in detail, the jury retired to consider their verdict. In about ten minutes they returned and delivered their verdict of guilty.

THE SOLICITOR-GENERAL prayed the sentence of the Court.

The sentences of death was then passed, at the expiration of half-past seven until to-morrow (this day) at two o'clock.

**DOMESTIC INTELLIGENCE.**

**INSOLVENT COURT.**

TUESDAY.

**BEFORE W. H. KERR, Esq., Chief Commissioner of Insolvent Estates.**

In the estate of David Row, a special meeting of the Creditors of said Estate was convened at Michael Shelley, £9 5s., and Catherine Sermerville, £10.

**CERTIFICATES GRANTED.**

Robert Bonner, Septimus Ensor, and John Williams, all of whom James Ensor's wife was journeyed to 6th September.

**NEW INSOLVENT.**

William Richard Smith, of Sussex-street Sydney, gentleman. Debts, £109 2s. 6d. Secured by mortgage of the premises situate at No. 287 St. George's Lane, official assignee.

**MEETING TO-DAY.**

In the estate of George Johnstone Clarke, a meeting at half-past ten o'clock.

In the estate of Nathaniel Williams, a special meeting, to decide upon a offer of composition.

**ABSTRACT OF SALES BY AUCTION THIS DAY.**

**MR. C. NEWTON.**—At his Rooms, at 1 o'clock, Drapery, Slope, Haversacks, Hair Brushes, Colonial Tweeds, Ware Quilting Funnies, Ladies' Dresses, Eau de Cologne, Linen Vender Water.

**MR. H. A. GRAVES.**—On the premises, Sussex-street, near Liverpool-street, at 1 o'clock, Household Furniture, Kitchenware, Bedding, and sundries.

**M. J. G. CORRIE** At his Rooms, at 1 o'clock, Saddlery.

**MR. G. A. LLOYD.**—At the City Mail, at 1 o'clock, Cutlery, Pens, Slates, Sealing Wax, Books, Paintings, and Engravings, Sundries.

**MR. ARMSTRONG.**—At his Repository, at 1 o'clock, the Imported Stallion Prince Albert and other Horses.

**Mrs. M. BOWDEN.** At her Mart, at 10 o'clock Sheepskins; at 11 o'clock, Madeira and Port Wines, Bleached Coker Canvas, Cork Glass, Dinner and Tea Services, Silver Plate, Wines, Furniture, Piano-forte, Iron Bedsteads, and other articles. At 12 o'clock Ring and Brooch, Gold Chronometer.

**Mrs. STUBBS.**—At her Mart, at 12 o'clock House on the South Head Road, Two Houses in Gipps-street, Five in Pitt-street, and one in Victoria-street. The above are for sale by Order of Land assigned to the Newtown Turnpike.

**Mr. MORT.**—On the Premises, Miller's Point at 10 o'clock, a quantity of Groceries, and sundries.—*In the Insolvent Estate of Samuel M. Bowden,* at 11 o'clock, Lime Juice, Barley, Sherry, Maideira, Paints, Window Shades, Frames Engravings, Cabin Washstand, Fruit Brandy.

**Mr. T. MOORE.**—At the Labour Bazaar at 11 o'clock, Broadcloth, Hats, Prints, Iron Wheels, Wearing Apparel, Watches, Lady Gold Chain, and sundries.

**SUGAR GROWING.**—Our readers will have noticed a number of letters on the growth of sugar, which have been published in the *Herald* within the last three months, more particularly those signed by Messrs. James Jones, J. Bowden, which have appeared during the late and present weeks. Several gentlemen, who were convinced by Mr. Bowden's arguments that the growth of sugar at Moreton Bay would be a success, have since written to Mr. Bowden, and return a fair rate of profit on the capital invested, met yesterday at the Sydney Marine Insurance Office; and after hearing Mr. Bowden's statement on matters of detail, the signed the following resolutions:—"That we agree to take shares in a company for growing sugar at Moreton Bay, with a capital of £5000, in £1 shares, provided the shareholders are guaranteed against any risk beyond the amount for seedling and planting." Yesterday Mr. Bowden's statement, and a estate of two hundred acres may be worked for about £4000 including the cost of machinery. One hundred shares were subscribed for yesterday.

At a young man, who has been in the city year-day week, Alderman Thurlow and Captain Towns, in pursuance of their appointment Alderman Brown, Captain Innes, and Mr. Milne, Messrs. A. F. Wilshire and J. P. White have been summoned for to-day (Friday).

**HOUSE ROBBERY.**—About one o'clock on Wednesday, Mrs. Doyle, residing in Crown street, Surry Hills, left home in company with her daughter, Miss Doyle, and her sister, first securing both the back and the front doors, leaving the key of the latter with her next door neighbour, a Mrs. Jones. In half an hour afterwards Mrs. Jones was surprised to find the front door open, and on opening from the inside, and two men were just in the act of emerging thence into the yard; they caught a glimpse of her, drew back, and she they were observed to get away back and made off in a moment down into Crown street, taking to their heels with all speed. Mrs. Jones raised a hue and cry after them and they were subsequently captured by the police. On being brought up for examination, one of the men confessed to the pursuit of the other, and the latter admitted the fact of acting in their names, Robert Hunter and Thomas Jones, and were handed over to the police for safe keeping. Yesterday they were brought up for the investigation of the robbery. Mr. Doyle identified the watch as his property, which had been stolen from a box in an up-stairs room and the silk was claimed as her property by the female who is at present residing under his roof. At 4 p.m. two chests of drawers and several boxes, were taken out and strewn about the house; the watch and silk being all that has been missed. The prisoners were remanded until to-day (Friday) for further evidence.

**THE CONVICTS.**—There are applications lodged with the Superintendent of Convicts for more men than he is able to supply. A great many of the tickets sent to Randolph were engaged yesterday, and by four o'clock they will probably all be engaged. Forty of them were sent down to the Clarence River last night by the steamer Phoenix at the express request of the Government, and will be forwarded to their respective destinations at the expense of the parties engaging them.

**MONKTON BAY.**—It has been currently reported in Sydney lately, that in five days that Moreton Bay is to be separated from New South Wales and made a penal colony. We have been unable to trace the rumour to any authentic source, and nothing is known of any kind.

[illegible][illegible]

nal  
the  
old  
sta-  
—  
—  
—  
tise  
(d.)  
of  
ted  
wa  
48.  
ple  
are  
ive  
m-  
der  
i-  
pos  
no  
it  
ang  
an  
non  
in-  
is-  
ns.  
ces  
so  
m-  
wei-  
ity  
ce,  
dy  
ter  
us,  
ith  
m.  
an-  
oth  
not  
she  
plet  
the  
is  
ded  
ed  
nate  
for  
red-  
re-  
uff  
ell  
ch-  
pp-  
his  
oh  
ait  
nd  
ny  
as  
red  
he  
on  
ey  
hc  
ore  
he  
ad  
rer  
er  
ed  
00,  
co-  
ler  
per  
nis  
ed  
at  
er,  
is  
tho  
ho  
se-  
d,  
ss  
ed  
n-  
n-  
on  
in  
ed  
sh  
it  
  
of  
I  
ld  
and  
al-  
ts.  
so  
er  
er  
er  
nis  
al,  
us  
ne  
re,  
n-  
of  
ky  
hs  
nd  
ra  
do  
—  
rt  
n-  
ill  
ill  
ill  
to  
it  
ot  
l-  
l-  
r-  
ch  
m  
nd  
ed  
to  
  
of  
to  
sd  
te  
om  
e-  
st,  
ve  
h,  
of  
a-  
at  
or  
ne  
at  
h  
  
a  
ne  
id  
of  
d  
π  
ne  
l-  
h-  
e  
h  
d  
a  
o  
y  
t;  
g  
-  
e



